

Jun 03, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ERIC LEE H.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-03181-RHW

**ORDER GRANTING PARTIES'
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 20.** The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 401-434, and his application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C. §1381-1383F. AR 1-7, 43, 61. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 5. The parties now jointly move the Court to reverse and remand for further administrative proceedings. ECF No. 20. Based on the agreement of the parties and the record, the Court finds good cause to **GRANT** their motion.

ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND

1 The Commissioner's decision to deny Plaintiff's applications for Social
2 Security benefits is **REVERSED** and **REMANDED** for further proceedings
3 pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative
4 Law Judge (ALJ) will:

- 5 • conduct a new hearing, further develop the record as necessary and
6 issue a new decision;
- 7 • evaluate the new evidence submitted to the Appeals Council regarding
8 myasthenia;
- 9 • reevaluate and further develop the other medical evidence or record;
- 10 • reevaluate steps two and three of the sequential evaluation process;
- 11 • reevaluate Plaintiff's credibility;
- 12 • reevaluate Plaintiff's Residual Functional Capacity (RFC) pursuant to
13 SSR 96-8p; and
- 14 • reevaluate steps four and five of the sequential evaluation process
15 with the assistance of a vocational expert, as necessary.

16 *See* ECF No. 20 at 2.

17 The parties also note that Plaintiff may apply for costs and attorney's fees
18 under the Equal Access to Justice Act, 28 U.S.C. § 2412, and ask the Court to
19 consider such an application upon proper request. *Id.*

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ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.

3 2. The Commissioner's decision is **REVERSED** and this matter is
4 **REMANDED** for further administrative proceedings consistent with this order.

5 3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is now moot.

6 4. The Court will consider an application from Plaintiff for costs and attorney's
7 fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request.

8 5. The District Court Executive shall enter judgment for the Plaintiff and
9 against Defendant.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
11 Order, forward copies to counsel, and **close the file**.

12 **DATED** this 3rd day of June, 2019.

13 *s/Robert H. Whaley*
14 **ROBERT H. WHALEY**
Senior United States District Judge